

<p align="center"><b>DEPARTMENT FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES</b></p> <p align="center"><b>STANDARDS OF OPERATIONS</b></p>	Policy Number  DMHMRS 02-01	Total Pages  4
	Date Issued April 14, 2003	Effective Date April 14, 2003
References CHS 01-08 § 164.514, 164.520, 164.530	Subject  Notice of Privacy Practices	

### **Statement of Policy and Purpose**

It shall be the policy of the Department for Mental Health and Mental Retardation Services (DMHMRS) to identify and maintain privacy and confidentiality of Protected Health Information (PHI).

### **Procedure**

- A. PHI shall be recognized as medical information that contains any of a number of personal identifiers. All individually identifiable health information, in any form, that is stored or transmitted shall be protected. DMHMRS shall develop a risk assessment of documentation as a measure of due diligence to ensure compliance.
- B. DMHMRS shall utilize the following, as identifiers, to ensure confidentiality of PHI:
  1. Names;
  2. All address information;
  3. E-mail addresses;
  4. Dates (except year);
  5. Social Security number;
  6. Medical record numbers;
  7. Health plan beneficiary numbers;
  8. Account numbers;
  9. Certificate numbers;

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10. License numbers;
  11. Vehicle identifiers;
  12. Facial photographs;
  13. Telephone numbers;
  14. Device identifiers;
  15. URLs
  16. IP address;
  17. Biometric identifiers;
  18. The geographic unit formed by combining all zip codes with the same three initial digits containing more than 20,000 people and the initial three digits of all geographic units with fewer than 20,000 people is changed to 000.
  19. Any other unique identifying number, characteristic or code.
- C. To ensure the proper administration of services and adequate monitoring of client progress, DMHMRS may:
1. Assign a code to allow de-identified information to be re-identified. The code shall not be derived from or related to information about the individual or otherwise capable of being translated to identify the individual and shall not be used for any other purpose.

### **Practice**

- A. Any DMHMRS program with direct care, treatment or service shall develop and maintain a notice of privacy practices. The notice shall:
1. Be provided no later than the date of the first service delivery.
  2. Be available at the service delivery site for distribution upon request and posted in a prominent location.
  3. Be in “plain language”.
- B. A notice of privacy practice shall contain certain required elements. The specific elements of the notice shall contain:

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1. A heading that shall read as follows: “THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.”
2. The uses and disclosures of PHI.
  - a. Descriptions shall include at least one example of uses with regard to treatment, payment and health care operations.
  - b. Descriptions shall include other purposes permitted without written consent or authorization.
  - c. A statement shall be included that other uses and disclosures will be made only with written authorization and that the individual may revoke such authorization.
3. Separate statements with regard to appointment reminders, information about treatment alternatives or other health related benefits and services.
4. A section with regards to the individual’s rights, regarding PHI, shall contain:
  - a. The right to request restrictions. (DMHMRS is not required to agree to a requested restriction).
  - b. The right to receive confidential communications.
  - c. The right to inspect and copy.
  - d. The right to amend.
  - e. The right to an accounting.
  - f. The right to a notice of any revisions.
5. DMHMRS shall have the duty to:
  - a. Maintain the privacy of PHI and provide individuals with notice of legal duties; and shall
  - b. Reserve the right to change the terms of the notice with provisions for all maintained PHI.
6. A complaint procedure with regards to violations of privacy rights. This shall include a statement that DMHMRS shall not retaliate against the complainant.

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7. A description or statement of a contact person with regards to privacy issues including a name or title and telephone number.
8. An effective date of the notice shall be no earlier than the date of printing and DMHMRS shall retain copies for six (6) years.

C. Electronic Notices

1. An electronic notice may satisfy the privacy practice requirements.
2. An individual agreeing to electronic notice may obtain a paper copy upon request.
3. The DMHMRS website shall have a notice of privacy practice posted when information about customer services and benefits is provided.

D. DMHMRS shall abide by applicable state and federal laws regarding sanctions against those individuals that fail to comply with privacy practices.

E. This policy shall be reviewed and revised as necessary.